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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,577	09/22/2005	Sylvie Pridmore-Merten	112701-597	3814
29157 7590 03/21/2008 BELL, BOYD & LLOYD LLP P.O. Box 1135 CHICAGO, IL 60690				
EXAMINER				
CLARK, AMY LYNN				
ART UNIT		PAPER NUMBER		
1655				
NOTIFICATION DATE		DELIVERY MODE		
03/21/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

Office Action Summary

Application No.

10/526,577

Applicant(s)

PRIDMORE-MERTEN ET AL.

Examiner

Amy L. Clark

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☒ Claim(s) 1-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Acknowledgment is made of the receipt and entry of Applicant's response filed on 01/10/2008 to the Election/Restriction requirement mailed out on 10/19/2007. However, the Election/Restriction mailed out on 10/19/2007 was not written in proper format. Therefore, the Examiner is requiring a substitute Election/Restriction requirement, as set forth below. The Examiner regrets any confusion with regards to this matter. Please note that the most current claim set is found under "Applicant Arguments/Remarks Made in an Amendment" filed on 03/04/2005.

Claims 1-21 are currently pending and subject to this Election/Restriction requirement.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-8 and 17, drawn to a composition comprising an effective amount of an ingredient selected from the group consisting of a molecule that stimulates energy metabolism of the cell and an antioxidant or admixtures thereof in an amount sufficient to improve hair or coat quality of a human or an animal, in an orally acceptable carrier.

Group II, claims 9 and 12, drawn to a method for the preparation of an orally administrable composition intended to improve hair or coat quality in humans or animals comprising the steps of using a therapeutically effective amount of an ingredient selected from the group consisting of molecules that stimulate energy metabolism of the cell and an antioxidant.

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Group III, claims 10 and 18, drawn to a method for the preparation of an orally administrable composition intended to stimulate hair or coat quality in humans or animals comprising the steps of using a therapeutically effective amount of an ingredient selected from the group consisting of molecules that stimulate energy metabolism of the cell and an antioxidant.

Group IV, claims 11 and 19, drawn to a method for the preparation of an orally administrable composition intended to modulate hair or coat quality in humans or animals comprising the steps of using a therapeutically effective amount of an ingredient selected from the group consisting of molecules that stimulate energy metabolism of the cell and an antioxidant.

Group V, claims 13 and 16, drawn to a method to improve hair or coat quality in humans or animals comprising orally administering to the human or animal that requires improved hair or coat quality a composition comprising a therapeutically effective amount of an ingredient selected from the group consisting of molecules that stimulate energy metabolism of the cell and an antioxidant.

Group VI, claims 14 and 20, drawn to a method to stimulate hair or coat quality in humans or animals comprising orally administering to the human or animal that requires improved hair or coat quality a composition comprising a therapeutically effective amount of an ingredient selected from the group consisting of molecules that stimulate energy metabolism of the cell and an antioxidant.

Group VII, claims 15 and 21, drawn to a method to modulate hair or coat quality in humans or animals comprising orally administering to the human or animal that requires improved hair or coat quality a composition comprising a therapeutically effective amount of an ingredient selected from the group consisting of molecules that stimulate energy metabolism of the cell and an antioxidant.

The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Claim 1, at least, is anticipated by or obvious over Cavazza (N*, JP 09-176004 A, Reference provided with the previous Election/Restriction requirement mailed out 01/30/2007 prior to inadvertent abandonment and is found under "Prior Art: Foreign Reference" dated: 01/30/2007; therefore, the Examiner has not provided another copy of the reference). Cavazza teaches an oral medicinal composition comprising L-carnitine as an active component that stimulates energy metabolism of the cell, and an excipient (See Abstract and claims 1, 8 and 9). Cavazza further teaches administering the composition to an animal (See page 2 of the specification, paragraph 0023,

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continued through 4, paragraph 0037). Consequently, the special technical feature which links the claims does not provide a contribution over the prior art, so unity of the invention is lacking.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows (elect from (i), (ii), (iii) and (iv). Please also further elect within (i) and (ii) as directed, as well in order to be compliant):

Group I:

Specie A:

(i) Elect either a molecule that stimulates energy **or** an antioxidant **or** admixtures from Claim 1.

-If a molecule or admixture is elected, further elect a molecule from claim 2.

-If an antioxidant **or** admixture is elected, further elect one source of thiol (See lines 1-3) **or** a compound that upregulates their biosynthesis *in vivo* (See lines 3 and 4) **or** one antioxidant (See lines 4-7) **or** one compound **or** natural source (See lines 7-10) from claim 3.

-Or instead of electing from claim 2 and/or from claim 3, only elect the ingredients of claim 8.

(ii) Elect either hair **or** coat, **and** either human **or** animal from Claim 1.

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-If animal is elected from claim 1, further elect either pharmaceutical composition, pet food or dietary supplement from claim 4.

-If human is elected from claim 1, further elect either pharmaceutical composition, pet food or dietary supplement from claim 5.

(iii) Elect either stimulates hair growth from Claim 6 or modulates hair sebum lipid production and composition or composition from claim 7.

Group II:

Specie A:

- (i). Elect either molecule that stimulates energy metabolism or antioxidant or combinatory admixture thereof from Claim 9.
- (ii) Elect either hair **or** coat, **and** further elect either humans **or** animals from Claim 9.

Group III:

Specie A:

- (i). Elect either molecule that stimulates energy metabolism or antioxidant or combinatory admixture thereof from Claim 10.
- (ii) Elect either hair **or** coat, **and** further elect either humans **or** animals from Claim 10.

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Group IV:

Specie A:

- (i). Elect either molecule that stimulates energy metabolism or antioxidant or combinatory admixture thereof from Claim 11.
- (ii). Elect either hair **or** coat, **and** further elect either humans **or** animals from Claim 11.

Group V:

Specie A:

- (i) Elect either hair **or** coat, **and** further elect either human **or** animal from Claim 13.

Group VI:

Specie A:

- (i) Elect either hair **or** coat, **and** further elect either human **or** animal from Claim 14.

Group VII:

Specie A:

- (i) Elect either hair **or** coat, **and** further elect either human **or** animal from Claim 15.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims

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subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Group I:

Specie A:

- (i) If a molecule is elected, claims 1, 2, 4 or 5, and 6 or 7.
 - If an antioxidant is elected, claims 1, 3, 4 or 5, and 6 or 7.
 - If an admixture is elected, claims 1-3, 4 or 5, and 6 or 7.
 - If the ingredients of claim 8 are elected, claims 1, 4 or 5, 6 or 7, and 8.
- (ii) If an animal is elected, claims 1 and 4.
 - If a human is elected, claims 1 and 5.
- (iii) If stimulates hair growth is elected, claims 1 and 6.
 - If modulates hair sebum lipid production and composition or composition, claims 1 and 7.

Group II:

Specie A: claims 9 and 12.

Group III:

Specie A: claims 10 and 18.

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Group IV:

Specie A: claims 11 and 19.

Group V:

Specie A: claims 13 and 16.

Group VI:

Specie A: claims 14 and 20.

Group VI:

Specie A: claims 15 and 21.

The following claims are generic: Claims 1, 9, 10, 11, 13, 14 and 15.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

There is no common structural element (i.e., common broad chemical formula) shared by all the alternatives.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy L. Clark whose telephone number is (571) 272-1310. The examiner can normally be reached on 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on (571) 272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amy L. Clark
AU 1655

Amy L. Clark
March 13, 2008

/Michele Flood/
Primary Examiner, Art Unit 1655